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9 UNITED STATES BANKRUPTCY COURT
10 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

11 In re

No. 22-40819-BDL

12 THOMAS JAMES WEEMS and
13 BRITTANY NICOLE WEEMS,

14 Debtor(s),

Adversary No. 22-4023-BDL

15 MEGAN and JOHN DECK,

16 Plaintiff,

MOTION TO WITHDRAW AS COUNSEL
OF RECORD FOR BRITTANY AND
THOMAS WEEMS

17 v.

18 THOMAS JAMES WEEMS and
19 BRITTANY NICOLE WEEMS,

20 Defendant(s).

21 **NOTICE OF HEARING**

22 PLEASE TAKE NOTICE that Salish Sea Legal PLLC ("SSL") has filed a Motion to
23 Withdraw as Counsel for Thomas and Brittany Weems (the "Weems"). Through the Motion,
24 SSL seeks an order granting it be excused as counsel for the Weems in this matter.

25 The Motion relies on all of the files and records herein, including the Declaration of
26 Benjamin A. Ellison with the Motion.
27

1 PLEASE TAKE FURTHER NOTICE that the Motion IS SET FOR HEARING as
2 follows:

3 JUDGE: Brian D. Lynch

TIME: 9:00 am

4 PLACE: U.S. Courthouse
5 1717 Pacific Avenue
6 Tacoma, WA 98402

DATE: January 10, 2024

7 IF YOU OPPOSE THE MOTION, you must file your written response with the Clerk's
8 office of the Bankruptcy Court and deliver copies to the undersigned NOT LATER THAN THE
9 RESPONSE DATE, which is January 3, 2024. If you file a response you are also required to
10 appear at the hearing.

11 IF NO RESPONSE IS TIMELY FILED AND SERVED, the Court may, in its discretion,
12 GRANT THE MOTION WITHOUT FURTHER NOTICE, and strike the hearing

13 **INTRODUCTION**

14
15 Salish Sea Legal PLLC, ("SSL") counsel for Thomas Weems and Brittany Weems (the
16 "Weems"), the debtors and defendants in the above-entitled matter, hereby moves the Court for
17 entry of an order approving its withdrawal as counsel for the Weems.

18 The undersigned is aware as well that as of today's date that an order to show cause was
19 entered for the same hearing date. ECF No. 22. It is SSL's desire that after resolving that issue,
20 the Law Firm can be discharged from this matter.

21 **STATEMENT OF FACTS**

22
23 The Weems retained SSL as counsel for the Weems in a half-dozen bankruptcy
24 litigations, as the Law Offices of David Smith represented the Weems and the Elite Corporation
25 in the debtors' main cases.

26 Since Mr. Weems gave up his discharge in this case, SSL and the Weems have come into
27

1 conflict concerning, *inter alia*, strategy for resolving these cases.

2 SSL conveyed to the Weems at the end of September 2023 that it would withdraw.
3 When the recent motion for summary judgment was filed, SSL reminded the Weems and Mr.
4 Smith that alternate counsel would need to be located.
5

6 Until just before the past hearing, SSL believed that a successor law firm would succeed
7 it. However, that did not occur, and the principal of SSL was unable to attend the hearing, as the
8 Weems were aware of in advance.

9 SSL believes that it worked hard for the Weems over the last 15 months, and notes that it
10 has provided a substantial array of services to the Weems in a large number of litigations for a
11 very affordable cost.
12

13 ARGUMENT

14 SSL respectfully requests that it be permitted to withdraw as counsel for the Weems,
15 with the withdrawal to be effective immediately. This motion is made in accordance with Local
16 Rule 2089-1 for the Western District of Washington Bankruptcy Court as well as Local District
17 Court Rule 83.2.

18 Local Rule 2089-1(c) requires that as a result of granting the order requested here, “no
19 deadlines, hearings or trials will be automatically continued.” The existing motion for summary
20 judgment is scheduled to be heard 2 weeks after this hearing, and SSL presumes that the Weems
21 will have secured new counsel by then.
22

23 For the foregoing reasons, the Law Firm requests that it be excused as counsel for the
24 Weems in this matter. SSL represents that this motion will timely be served on the last known
25 address listed for the Weems, 1420 32nd St NW, Puyallup WA 98371, tel# (253) 209-3661, e-
26 mail: maddenstar247@gmail.com.
27

1 DATED this 19th day of December, 2023.

2 SALISH SEA LEGAL PLLC

3
4
5 /s/ Ben Ellison
6 Benjamin Ellison, WSBA No. 48315
7 2212 Queen Anne Ave N., No. 719
8 Seattle, WA 98109
9 *Withdrawing Law Firm*
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9 UNITED STATES BANKRUPTCY COURT
10 WESTERN DISTRICT OF WASHINGTON
11 AT TACOMA

12 In re

No. 22-40819-BDL

13 THOMAS JAMES WEEMS and
14 BRITTANY NICOLE WEEMS,

Debtor(s),

Adversary No. 22-4023-BDL

15 MEGAN and JOHN DECK,

16 Plaintiff,

DECLARATION OF BENJAMIN ELLISON
IN SUPPORT OF MOTION TO
WITHDRAW
AS COUNSEL FOR THE WEEMS

17 v.

18 THOMAS JAMES WEEMS and
19 BRITTANY NICOLE WEEMS,

20 Defendant(s).

21 I, Benjamin Ellison, declare and state as follows:

22 1. I am over the age of eighteen (18), competent to testify herein, and I make this declaration of
23 my own personal knowledge and my review of the records in this case.

24 2. I am an attorney for the Weems, and I have personal knowledge of, and am competent to
25 testify to the facts asserted herein.
26
27

1 3. In November 2023, the Weems retained SSL as counsel for the Weems in a half-dozen
2 bankruptcy litigations, as the Law Offices of David Smith represented the Weems and the Elite
3 Corporation in the main bankruptcy cases.

4 4. Since Mr. Weems gave up his discharge in this case at the end of May 2023, SSL and the
5 Weems have come into conflict concerning, *inter alia*, strategy for resolving these adversary
6 proceedings.

7 5. SSL informed the Weems on September 24, 2023 that it would withdraw.

8 6. When the recent motion for summary judgment was filed, on November 16, 2023, SSL
9 reminded the Weems and Mr. Smith that SSL would not be dealing with the motion.
10

11 7. Until two nights before the hearing, SSL hoped that a successor law firm would succeed
12 it, as Mr. Weems named other bankruptcy attorneys whom he had interviewed.

13 8. However, replacement counsel was not located, and the principal of SSL was unable to
14 attend the hearing due to an important commitment mandated by his pending personal divorce
15 proceeding.
16

17 9. The Weems were aware that I would not be appearing on their behalf at the hearing, and
18 despite my and David Smith's request, opposing counsel was unwilling to continue the prior
19 hearing.
20

21 10. SSL believes that it worked very hard for the Weems over the last 15 months.

22 11. The existing motion for summary judgment is scheduled to be heard 2 weeks after this
23 hearing, and SSL presumes that the Weems will have secured new counsel by then.
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1 12. SSL represents that this motion is being served by e-mail, and via post will be timely
2 served this evening on the last known address listed for the Weems, 1420 32nd St NW, Puyallup
3 WA 98371, tel# (253) 209-3661, e-mail: maddenstar247@gmail.com.

4 I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE
5 AND CORRECT.
6

7 DATED this 19th day of December, 2023.

8 /s/ Benjamin A. Ellison

9 Ben Ellison
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6 UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT
OF WASHINGTON AT TACOMA

7 In re

No. 22-40819-BDL

8 THOMAS JAMES WEEMS and
9 BRITTANY NICOLE WEEMS,

10 Debtor(s),

Adversary No. 22-4023-BDL

11 MEGAN and JOHN DECK,

12 Plaintiff,

ORDER GRANTING MOTION TO
WITHDRAW AS COUNSEL FOR THE
WEEMS

13 v.

14 THOMAS JAMES WEEMS and
15 BRITTANY NICOLE WEEMS,

16 Defendant(s).

17 THIS MATTER came before the Court upon Salish Sea Legal PLLC's Motion to
18 Withdraw as Counsel for the Weems. The Court has reviewed the Motion; Declaration of
19 Benjamin A. Ellison in support of the Motion; Responses to the Motion, if any; the Reply, if any;
20 and the other files and records herein. The Court finds that notice of the Motion was appropriate
21 under the circumstances and that the relief requested by Salish Sea Legal PLLC is reasonable.
22 Any objections to the Motion, if not withdrawn, are hereby overruled.
23

24 NOW, THEREFORE, IT IS HEREBY ORDERED that:

- 25 1. Salish Sea Legal PLLC and its attorney are excused as counsel for the Weems in this
26 matter.
27

1 ///END OF ORDER///

2 Salish Sea Legal PLLC

3 /s/ Ben Ellison

4 Benjamin Ellison, WSBA No. 48315

5 2212 Queen Anne Ave N., No. 719

6 Seattle, WA 98109